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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/719,226	12/11/2000	Shingo Kage	56937-019	6525
20277	7590	03/24/2004	EXAMINER	
MCDERMOTT WILL & EMERY 600 13TH STREET, N.W. WASHINGTON, DC 20005-3096			CHEN, TIANJIE	
			ART UNIT	PAPER NUMBER
			2652	
			DATE MAILED: 03/24/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/719,226

Applicant(s)

KAGE ET AL.

Examiner

Tianjie Chen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) 2-5 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 6 is/are rejected.
- 7) ☒ Claim(s) 7,8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Non-Final Rejection (RCE)

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/02/2003 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Kage et al (JP 8-045156A).

With regard to claim 1, Kage et al shows a disc player including: a roller 12 (Fig. 7) for transporting a disc; a disc guide 11 (Fig. 7), provided opposite to the roller 12 along a disc transportation direction, for guiding the disc being transported; a disc selecting lever 13 provided at each end along the direction perpendicular to the disc transportation direction, of which center portion along the disc transportation direction is oscillatably journaled about an axis 13b along the direction perpendicular to the disc transportation direction (Fig. 6); projecting portions 13a and 13c provided at each both ends of the disc selecting lever along the disc transportation direction so

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as to project toward the disc side, both of which the projecting portions abut on the disc; to push down the disc when a large-diameter disc 100 is transported (Figs. 6 and 7) whereas both or at least one of which projecting portions does not abut on the disc when a small-diameter disc is transported (Fig. 9); a large-diameter latch member 11b for receiving and latching the large-diameter disc 100 having reached a terminal end of transportation after being pushed down by the projecting portions (Fig. 6); and a small-diameter latch member 11a for receiving and latching the small-diameter disc having reached a terminal end of transportation (Fig. 9).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kage et al in view of Sato et al (US 6,392,980).

With regard to claim 6, Kage et al further shows the disc player including an inherent turntable on which the disc transported by the roller is placed, for allowing rotating operation of the disc; but fails to show a detailed clamper.

Sato shows a disk player in Fig. 2A including clamper arm 16 journaled so as to capable of oscillating; a clamper holding plate 22 provided on the oscillating distal end side of the clamper arm 16; a clamper 22a rotatably supported on the clamper arm via the clamper holding plate, which clamper separates from the turn table during transportation of the disc in accordance with oscillating operation of the clamper arm,

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whereas presses the disc against the turn table when the disc is placed on the turn table; the turn table being provided with a disc supporting portion for supporting the disc; and a projecting portion 8a provided inwardly in the radial direction from the disc supporting portion (Fig. 3B), to be fitted into a center hole of the disc; and a clamper engagement portion (the recess near 8a) provided inwardly in the radial direction from the projecting portion 8a, performing advancing/retracting operation along the axial direction of the turn table, the clamper 11 being provided with a turn table engagement portion 11a to be engaged with the clamper engagement portion (the recess) having performed advancing operation.

It would have been obvious at the time the invention was made to one of ordinary skill in the art to add the clamper taught by Sato et al into Kage et al's device. The rationale is as follows: Kage et al teaches a device having, but fail to show the structure of the clamper. Sato teaches a clamper, which is conventionally used in disk player in the art (Column 11, lines 18-21). One of ordinary skill in the art would have been motivated by Sato et al's teaching to conveniently use the clamper to making the device workable.

Allowable Subject Matter

4. Claims 7 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

- With regard to claim 7, as the closest reference, a combination of Kage et al (JP 8-045156A) and Sato et al (US 6,392,980) shows a disc player having a clamper

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and disk supporting portion with a clamper engagement portion, **but files to show** that the clamper engaging portion has: an operation lever with one end portion projecting above the disc supporting portion, and the other end portion performing advancing/ retracting operation with respect to the disc supporting portion in accordance with presence /absence of the pushing operation of the disc with respect to the one end portion; a main body member connected to the other end portion of the operation lever; and energizing means for energizing the other end portion of the operation lever toward the direction separating from the disc supporting portion.

- With regard to claim 8, as the closest reference, a combination of Kage et al (JP 8-045156A) and Sato et al (US 6,392,980) shows a disc player having a clamper and disk supporting portion with a clamper engagement portion, **but files to show** that the axis, about which the disc selecting lever is oscillatably journaled, is also substantially parallel to the plane defined by upper surface of the disc.
- Applicant asserts that in this disk player the operation lever is used to cause the advancing and retracting of the clamper (Specification, p. 30, lines 15-21), thus making the disk player having a configuration, which can easily realize low profiling of the entire structure (Specification, p. 5, liners 20-23).

Response to Arguments

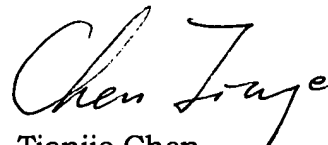
5. Applicant's arguments filed 12/02/2003 have been fully considered but they are not persuasive. Since the reference shows that both of which the projecting portion s abut the disc to push down the disc, which can be seen by combining both Figures 6 and 7.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tianjie Chen whose telephone number is (703) 305-7499. The examiner can normally be reached on 8:00-4:30, Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen can be reached on (703) 305-9687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tianjie Chen
Primary Examiner
Art Unit 2652
03/19/2004